

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

The Mitchell Law Firm, L.P.

(b) County of Residence of First Listed Plaintiff **Dallas, TX**  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
The Mitchell Law Firm, L.P. (972) 463-8417  
12720 Hillcrest Road, Suite 625  
Dallas, TX 75230

**DEFENDANTS**

Bessie Jeanne Worthy Revocable Trust

County of Residence of First Listed Defendant **Riverside, CA**  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED."

Attorneys (If Known)"

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☒ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |  | PTF                                   | DEF                                   |  | PTF                                   | DEF                         |
|--|---------------------------------------|---------------------------------------|--|---------------------------------------|-----------------------------|
| Citizen of This State                    | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1            | Incorporated or Principal Place of Business In This State"     | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4" |
| Citizen of Another State                 | <input type="checkbox"/> 2            | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State" | <input type="checkbox"/> 5            | <input type="checkbox"/> 5" |
| Citizen or Subject of a Foreign Country" | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation   | <input type="checkbox"/> 6            | <input type="checkbox"/> 6" |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)"

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES"
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions"	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act" <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))" <input type="checkbox"/> 400 State Reapportionment" <input type="checkbox"/> 410 Antitrust" <input type="checkbox"/> 430 Banks and Banking" <input type="checkbox"/> 450 Commerce" <input type="checkbox"/> 460 Deportation" <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations" <input type="checkbox"/> 480 Consumer Credit" <input type="checkbox"/> 490 Cable/Sat TV" <input type="checkbox"/> 850 Securities/Commodities/"Exchange" <input type="checkbox"/> 890 Other Statutory Actions" <input type="checkbox"/> 891 Agricultural Acts" <input type="checkbox"/> 893 Environmental Matters" <input type="checkbox"/> 895 Freedom of Information Act" <input type="checkbox"/> 896 Arbitration" <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision" <input type="checkbox"/> 950 Constitutionality of State Statutes"
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition" <input type="checkbox"/> 560 Civil Detainee - "Conditions of Confinement"			

**V. ORIGIN** (Place an "X" in One Box Only)"

- ☒ 1 Original" Proceeding" ☐ 2 Removed from" State Court" ☐ 3 Remanded from" Appellate Court" ☐ 4 Reinstated or" Reopened" ☐ 5 Transferred from" Another District" (specify)" ☐ 6 Multidistrict" Litigation -" Transfer" ☐ 8 Multidistrict" Litigation - Direct File"

**VI. CAUSE OF ACTION**Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. 1332(a)(1)

Brief description of cause:

Breach of contract; declaratory judgment; suit on account

**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$  
76,155.50CHECK YES only if demanded in complaint:  
JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

09/08/2016

SIGNATURE OF ATTORNEY OF RECORD

/s/ Gregory W. Mitchell

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority for Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

**(b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

**(c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box. Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.

Multidistrict Litigation – Direct File. (7) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.

**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If a related case exists, whether pending or closed, insert the docket numbers and the corresponding judge names for such cases. A case is related to this filing if the case: 1) involves some or all of the same parties and is based on the same or a similar claim; 2) involves the same property, transaction, or event; 3) involves substantially similar issues of law and fact; and/or 4) involves the same estate in a bankruptcy appeal.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

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The Mitchell Law Firm, L.P.

*Plaintiff*

v.

Bessie Jeanne Worthy Revocable  
Trust

*Defendant*

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§  
§

Civil Action No. 3:16-cv-02582

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PLAINTIFF'S ORIGINAL COMPLAINT

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TO THE HONORABLE COURT:

**The Mitchell Law Firm, L.P. ("Plaintiff")** files this Original Complaint, and by way of such complaint shows:

**I. Parties**

1. Plaintiff is a limited partnership authorized to do business in the State of Texas.
2. Defendant **Bessie Jeanne Worthy Revocable Trust** (the "**Trust**") is a foreign (California) trust that can be served with summons by serving its trustee, Mr. Larry Hodge, at the following address: 2595-84 Atlanta Avenue, Riverside, California 92507.

**II. Causes of Action**

**A. Suit on Sworn Account**

3. Plaintiff sues Defendant for amounts owed for services provided to Defendant, as follows:

(a) Legal services related probate Case No. 11-E-2281 pending in the Probate Court, Ellis County, Texas; and

(b) Legal services related to Civil Case No. 13-C-3079, pending in the Ellis County Court at Law #1.

**Total amounts owed: \$76,155.50.**

4. Plaintiff and Defendant entered into a contract for the services to be provided by Defendant. Such contract provided that jurisdiction would lie with a court in the northern district of Texas.

5. Plaintiff in all things has provided the services promised. Therefore, all conditions precedent to Plaintiff's recovery have been performed or have occurred.

6. A systematic record was kept of all services provided, and the above amounts accurately represent unpaid amounts.

7. The account is supported by Plaintiff's sworn statement attached to this pleading. Such statement reflects that Plaintiff has personal knowledge of the accounts and that they are true and correct. Such accounts are due and owing, and all just and lawful offsets, payments, and credits have been allowed.

**B. Breach of Contract**

8. Plaintiff sues for the breach of contract by Defendant in failing to pay for the services provided by Plaintiff as described herein.

9. Plaintiff asserts a claim for attorneys fees. Because the agreement between Plaintiff and Defendant is the subject of a written contract, Plaintiff is entitled to attorney's fees pursuant to Tex. Civ. Prac. & Rem. C. §38.001 *et seq.*

**C. Declaratory Judgment Sought**

10. The numbered paragraphs above are hereby incorporated by reference as if fully set

forth herein.

11. Plaintiff petitions the Court pursuant to the Declaratory Judgments Act, Chapter 37 of the Tex. Civ. Prac. & Rem. C., and/or the Federal Declaratory Judgments Act, for construction of the contract between Plaintiff and Defendant – namely, that the contract is enforceable and that Defendant is in default of the contract.

12. In pursuing this claim, Plaintiff has retained the below-named firm to represent it in this action and has agreed to pay the firm reasonable and necessary attorney's fees. An award of reasonable and necessary attorney's fees to the Plaintiff would be equitable and just and therefore authorized under both the Texas and Federal Declaratory Judgments Act.

WHEREFORE, the Plaintiff requests that summons be issued to Defendant, and that upon final hearing, the Plaintiff have judgment of the court as follows:

- (1) That Plaintiff recover all amounts owed for services provided as described herein;
- (2) That Plaintiff recover damages for Defendant's breach of contract, including attorney's fees; and
- (3) That Plaintiff recover all costs, including attorney's fees, together with such other and further relief to which the Plaintiff is justly entitled.

**SIGNED this 8<sup>th</sup> day of September, 2016.**

Respectfully submitted,

**THE MITCHELL LAW FIRM, L.P.**

**/s/ GREGORY W. MITCHELL**

Gregory W. Mitchell  
12720 Hillcrest Road, Suite 625  
Dallas, Texas 75230  
(972)463-8417 – Office  
(972)432-7540 – Facsimile  
State Bar ID: 00791285  
Attorneys for Plaintiff

**VERIFICATION**

Before me, the undersigned Notary Public, on this day personally appeared Gregory W. Mitchell, Managing Partner of The Mitchell Law Firm, L.P., and after being duly sworn stated under oath that he is an authorized representative of the Plaintiff in this cause; that he has read the above pleading; and that every statement contained therein with respect to the facts of this case is within his personal knowledge and is true and correct.

In particular, the accounts and amounts asserted to be due in Paragraph #3 above are within my personal knowledge and are true and correct. A systematic record of amounts due from Defendant has been kept. Such amounts are due and owing, and all just and lawful offsets, payments, and credits have been allowed.

**/s/ Gregory W. Mitchell**

Gregory W. Mitchell

Title: Managing Partner

The Mitchell Law Firm, L.P.

SUBSCRIBED AND SWORN TO BEFORE ME on September 8, 2016.

[SEAL IN ORIGINAL]

**/s/ Dian Gwinnup**

Notary Public in and for the State of Texas